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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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September 7, 2004

Mr. Roy J. Schepens
Office of River Protection
United States Department of Energy
P.O. Box 450, MSIN: H6-60
Richland, Washington 99352

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EDMC

Mr. Edward S. Aromi, Jr.
CH2M Hill Hanford Group, Inc.
P.O. Box 1500, MSIN: H6-63
Richland, Washington 99352

Dear Messrs. Schepens and Aromi:

Re: Ecology Inspection in Response to the Discovery of Potentially Shock Sensitive
Waste Samples at the 222-S Laboratory Conducted on June 17, 2004

Thank you for the assistance of United States Department of Energy (USDOE) and CH2M Hill Hanford Group, Inc. (CHG) personnel during the Washington State Department of Ecology's (Ecology) recent inspection at the 222-S Laboratory. This inspection included a review of the circumstances surrounding the June 8, 2004, discovery of waste samples archived at the 222-S Laboratory that had become potentially shock sensitive.

The waste samples were acquired by the 222-S Laboratory from a 1995 shipment of lab packed waste that was found to contain suspect incompatible and reactive wastes from the Lawrence Berkley National Laboratory (LBNL). Work to deal with these potentially dangerous drums was completed cooperatively between T-Plant and the 222-S Laboratory.

Several small sample aliquots from this LBNL waste stream were obtained by the 222-S Laboratory in 1995 for the purpose of characterizing the waste and to determine the best method of stabilization. In addition, 222-S also participated in the actual stabilization of the waste.

Some of the samples were archived at the 222-S Laboratory after a stop work order was issued due to lack of funding. On June 8, 2004, sixteen 15 ml vials of the samples were found to remain in 222-S sample archive inventory and pose the potential for significant safety risks.

No violations will be assessed; however, several concerns are described below.



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CONCERNS:

1. USDOE contractors seem to have a loose interpretation of the regulatory definition of a treatability study. It was discussed during the inspection whether the LBNL samples would be excluded from being hazardous waste under the Analytical Sample Exclusion, Washington Administrative Code (WAC) 173-303-071 (3)(l), or as Treatability Study Samples under WAC 173-303-071 (3)(r) and (s). A contract was developed between T-Plant and 222-S whereby the 222-S Laboratory would perform various compatibility tests with the LBNL samples in order to help determine the best method of treatment of the hazards associated with the LBNL waste. Ecology interprets these activities to qualify as a treatability study which would be subject to the requirements of WAC 173-303-071 (3)(r) and/or (s), not WAC 173-303-071 (3)(l).
2. The fact that it took approximately nine years for the remaining LBNL samples to be declared waste likely goes beyond the intent of the term 'temporary storage' in the regulations. In addition, as a treatability study, the remaining archived LBNL samples have exceeded the five year time limit for archiving treatability study samples.
3. 222-S currently has other samples in archive which may fall under the requirements of the treatability study exemption that have been in storage for extended periods of time. These samples may be subject to the treatability study sample exclusion.

Ecology considers "concerns" as activities that are dangerously close to being non-compliant with WAC requirements. Ecology issues concerns to notify facilities of conditions that, if left uncorrected, could evolve into regulatory violations warranting enforcement. Ecology has decided to employ its enforcement discretion to not cite a violation in this case, but will re-evaluate the management of archived samples during future inspections.

Please do not hesitate to contact me at (509) 372-7929 if you have any questions regarding this letter.

Sincerely,



Eric Van Mason
Compliance Inspector
Nuclear Waste Program

cc: Mark Brown, ORP
Diane Clark, ORP
Lucinda Borneman, CHG
Phil Miller, CHG
Todd Martin, HAB

Rick Gay, CTUIR
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Administrative Record: 222-S